IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

HELEN JOYCE POWERS,)	
Plaintiff,)	
riamum,)	CIV. NO. 3:09-CV-396
)	(JORDAN/GUYTON)
v.)	
)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER OF REMAND UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment reversing the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

The parties agree that, on remand, the Appeals Council will direct the Administrative Law Judge ("ALJ") to conduct a new hearing. Further, the Appeals Council has identified this case as one of critical/dire need and will expedite the hearing process. Additionally, the ALJ will evaluate the opinion of Dr. Naylor, as well as Dr. Alexander, in accordance with 20 C.F.R. §

404.1527 and Social Security Ruling 96-2p. Also, the ALJ will evaluate Plaintiff's use of a cane in accordance with Social Security Ruling 96-9p.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

United States District Judg

Proposed by:

s/ Loretta S. Harber

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